

REMARKS

The present amendment constitutes a Request for Continued Examination under 37 C.F.R. § 1.114 in lieu of appeal. Upon entry of this amendment, claims 1, 3, 4, 6-9, 11, 12, 14-16, 18, 22-25, 27, 31, and 37-45 will be pending. Some of the requested claim amendments were previously presented in Applicants' Response filed on June 1, 2006, but were not entered by the Examiner in the Advisory Action dated June 19, 2006. Claims 1, 9, and 16 have now been further amended, claims 2, 5, 10, 13, 17, 19-21, 26, 28-30, and 32-36 canceled, and claims 40-45 added to even more clearly define the invention. Support for these amendments can be found throughout the specification and do not constitute new matter.

Rejection under 35 U.S.C. §112, first paragraph

Claims 1-18, 20-29, 31, and 34-36 stand rejected under 35 U.S.C. §112, first paragraph, for allegedly lacking enablement. Claims 2, 5, 10, 13, 17, 19-21, 26, 28-29, and 34-36 have been canceled, therefore the rejection of them is moot. Although Applicant continues to traverse this rejection because the Examiner still has not come forward with any evidence indicating that those skilled in the art would be unable to practice the claimed inventions, in an effort to advance prosecution, has amended claims 1, 9, and 16 (and hence all claims dependent therefrom) to even more clearly describe the claimed protective groups, activated esters, and leaving groups. Support for these amendments can readily be found throughout Applicant's specification and in the claims as originally filed. Withdrawal of the enablement rejection and allowance of the claims is requested in light of Applicant's amendments.

Rejection under 35 U.S.C. §112, second paragraph

Claims 1-18, 20-29, 31, and 34-36 stand rejected under 35 U.S.C. §112, second paragraph, for allegedly being indefinite. Claims 2, 5, 10, 13, 17, 19-21, 26, 28-29, and 34-36 have been canceled, therefore the rejection of them is moot.

Applicant again traverses this rejection since the Examiner has failed to identify any evidence supporting her bare assertions that those skilled in the art would not be able to

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determine whether a compound or method of interest falls within the scope of Applicant's claims. *In re Mercier*, 185 U.S.P.Q. 774 (C.C.P.A. 1975) (claims sufficiently define an invention so long as one skilled in the art can determine what subject matter is or is not within the scope of the claims). In an effort to advance prosecution however, claims 1, 9, and 16 have been amended as discussed above, method claims 26, 28-30, and 32-36 have been canceled, and claims 40-45 added. Support for these amendments and new claims can be found at, for example, pages 7, 19-21 of the specification, and in the claims as originally filed. Claims 1, 9, and 16 have been amended to even more clearly describe the claimed protective groups, activated esters, and leaving groups.

Withdrawal of the indefiniteness rejection and allowance of the claims is requested in light of Applicant's amendments.

CONCLUSION

Applicants submit that the pending claims are in condition for allowance. An early indication of allowance is, therefore, respectfully requested.

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